

File No. 87  
1936.

Collection No. 4

(1)

Myore Residency

Bangalore

Ch  
5-7-47

Pros. Nos. 1-6-  
Serial

Subject.

22/11/45

Acquisition of Land at the  
junction of M. No. 1. Street and Bamboo  
Bazaar Street for constructing a Dry  
fish market.

Previous References.

Later References.

A  
31/10/45

B  
22/11/45

Indented

**NOTES AND PRECIS.**

(2)

C.P.7.

D.No. 10998.

S.N.(5).

C.P.1 & 6.

'H'

Please see S.N.1 and 4.

3

The draft notification furnished by the -  
Collector may be published in the Mysore Residency -  
Orders.

Draft submitted.

(from Para 1)

S. W.  
14. 11. 36

4

Please put up this after the issue of letter  
regarding Review of Expenditure of the Municipal  
Commission.

T. N. T.  
15-11-36

5

The draft notification already put up may now  
be published.

6

sep (L)

In para 7(4)(3) of letter from this Residency  
No. F.579-36/R.O.II., dated the 16th November 1936, the  
Hon'ble the Resident ordered that the whole provision of  
Rs.20,000 made for the construction of Dry Fish Market  
in the current year's Municipal budget should be omitted.  
Accordingly the Municipal Commission have omitted this  
amount in their revised estimates for 1936-37. It is  
not clear whether the sum of Rs.20,000 omitted in the  
revised estimates included the cost of acquisition of  
land for the dry fish market. Before the publication  
of the notification in the Residency Orders the file  
may....

(3)

may, if approved, be sent U.O. to the Collector and President, Municipal Commission, C. & M. Station, Bangalore, and he may be requested to say whether the notification may be published in the Residency Orders, and whether the amount required for the purpose is available in the current year's Municipal budget or whether provision will be made in the budget for 1937-38.

*Encl.*

*y. Gov.  
11.12.36.*

*T. K. T.  
11-12-36*

*[Signature]  
14.12.36*

To, The Collector & President, Municipal Commission, C. & M. Station, Bangalore

U.O. No. 1099, dated the 15th Decr. 1936.

The sum of Rs. 20,000/- provided, but since omitted, in the Revised Budget Estimate for 1936-37, includes the cost of Acquisition of Land. The amount required is not available in the current year's budget. Provision for the work will be made in the Budget Estimate for 1937-38, if, of course, funds permit.

*[Signature]  
8/1/37*

To, The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

U. O. No. 6147/36 dated 8th January 1937.

Through the Collector, C. & M. Station, Bangalore



*11-1-37*

|                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------|
| OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE<br>BANGALORE.<br>12.1.37.<br>Recd. No.....385.....<br>File No..... |
|------------------------------------------------------------------------------------------------------------------|

(4)

D.No. 385

(U.O.note)

Please see from para 3 of these notes.

8

put up

\* pl. see rule 6  
on page 181 of  
Municipal By-laws

As the amount required for the acquisition of land  
~~question~~ is not available in the current year's budget, the  
question of proceeding with the acquisition may be postponed  
till the 10th March 1937 on which date the Municipal  
Commission, C & M Station, Bangalore, are expected to  
forward to this Residency their budget for 1937-38. On its  
receipt the question will be taken up, if there is a  
provision for the work in the next year's budget. There  
appears to be no objection in delaying the publication of the  
draft declaration under Section 6 of the Land Acquisition  
Act. In this connection please see para 14 of Govt.  
Pleader's note in a similar case in F. 264(6)-1934.

draft put up

(P)

Submitted for orders.

(From para 8)

13.1.37  
15

15

T.N.T.  
15-1-37.

9

Further consideration of this case  
may be kept in abeyance as suggested.

Arbit-  
12/3.37

16.1.37

(5)

D.No. 742

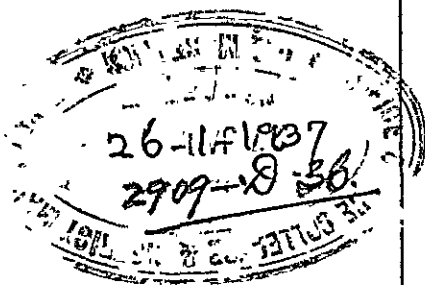
S.N. (6) cor.p. 9

Please see from para 7 of these notes.

The file may be sent <sup>U/O</sup> to the Collector, C & M

Station, Bangalore, as desired.

(From para 10)



*As*  
22.1.37

*A. S. Srinivas*  
25.1.37

T.N.T.  
23-1-37

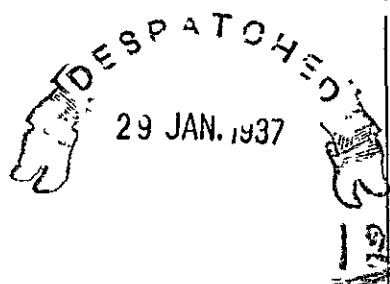
To  
The Collector, C & M Station  
U.O. No. 742 of 25.1.37

The matter may be kept in abeyance till funds are available with the President, Municipal Commission, Bangalore. A separate letter will be sent in due course.

*Wm. L. L.*  
28/1/37

To,

The Secretary to the Hon'ble the Resident in Mysore.  
U.O. No. 2909-D-36 dated 27-1-1937.



Please see from para 8 of these notes.

May be filed pro-tem.

(From para 10)

*As*  
1.2.37

*A. S. Srinivas*  
3/2

T.N.T.  
2-2-37.

1198  
87/10/31  
30.6.37

C.P.1 - 8. H.

Please see S.N.1 to 5 and para 11 of notes ante and S.N.2 of Routine Collection at "D".

No funds have been provided by the Municipal Commission during the current year for the acquisition of land for a dry fish market. The question must have been postponed or dropped. It appears that the Resident's Notification at S.N.4 should be cancelled now. Collector may send fresh proposals when the question is revived at a later date.

Draft submitted. Before issue Collector may see file U.O.

(Para 13).

M.

4.12.37.

T.N.T.

4-12-37

~~2.2.37.~~

14

①. It has not been dropped. Best. cut it out. It will come again

② What legal provision is there if any regarding Cancellation of such notices? Surely there is no time limit

③ Does not this notice stabilize value? And if it is cancelled, won't that increase the value?

There seems manifest to be every reason against same for cancellation

Amulya

6/12/37.

Para 14 of notes ante:

15

There seems to be no provision under the Land Acquisition Act, 1894 (Act I of 1894), regarding lapse of notification issued under section 4(1), and there does not appear to be any time limit for taking further action. In this connection please the Government Pleader's opinion on this point at paras 11 to 14 of notes of F.264(6)-1934.

F.

16

The notice will stabilize the value of the land and in the event of its cancellation, it is possible that the land owner may effect a binami transfer for a higher value (in the hope that the Government will some day ~~will~~ acquire it again) and thereby claim an increase rate when the acquisition is revived.

17

If approved the question may be held in abeyance till the Municipal Commission come up again with funds, and this may be possible after March 1938.

Lu - (18) Ye. Please be more careful  
22.12.37.

Seey.

T.N.T.  
24-12-37.

For Review

30/12/37.

Record

P.T.O.

ACQUISITION OF LAND FOR CONSTRUCTING A DRY FISH MARKET.

- (1) Preliminary notification under section 4 of the Land Acquisition Act<sup>\*</sup> issued on the 28th September 1936.
- (2) Further proceedings in 1936 held up on account of lack of funds -- while reviewing the Municipal finances the Hon<sup>ble</sup> the Resident ordered that the funds provided<sup>for the purpose</sup> by the Municipal Commission should be omitted.
- (3) In 1937 funds were not available and the question was kept in abeyance as the notification under section 4 would stabilize the value.

It is submitted that funds have not been provided in the Municipal budget for 1938-39 and <sup>it is not clear whether funds will be available next year</sup> it does not however appear to be reasonable that the matter should be postponed year after year, in which case improvements, under section 24, seventhly, <sup>will be</sup> held up indefinitely. The Land Acquisition Act does not seem to contemplate any long delay between the issue of the preliminary notification and the subsequent proceedings, and to proceed after a delay of several years with the acquisition is to strain unduly the provisions of the Act. In this connection please see the following extract from the Madras Land Acquisition Manual:-

"The provisions of the Act should not be set in motion long before any scheme for acquisition matures, solely with a view to check an artificial inflation of prices. The Act does not contemplate delay in the proceedings when once they have been set in motion."

This view is not of course binding on acquisition proceedings in the Station but at the same time the principle is unquestionable. A reference is also invited to the Executive instructions issued by the Resident in his Proceedings No.1531, dated the 16th February 1924. Instruction No.3 lays down that whenever it is found that a land in respect of which a notification under section 4 has been published is not required for acquisition,

immediate....

18

21.4.36 (H)  
F 87(4)-36  
21.4.36 of note  
F. 87(4)-36.  
(H)  
21.4.36 of note  
F. 87(4)-36  
(H)

24.3.24 Civil  
Court Manual, II

S.N.10 (L)  
F 242(2)-94

immediate steps should be taken to see that the notification is cancelled. In the present case the question does not appear to have been dropped; but it is obviously unfair to hold up indefinitely improvements which the owners may wish to effect to the land and to base the award, as under section 11 it must be based, on a valuation made a long time in advance.

20

In the circumstances it appears desirable that the notification under section 4 may be withdrawn and a fresh notification issued when the land is to be actually acquired, unless the Municipal Commission provide necessary funds at a very early date. If approved the file may be sent to the Collector and President, Municipal Commission u/o for favour of his views.

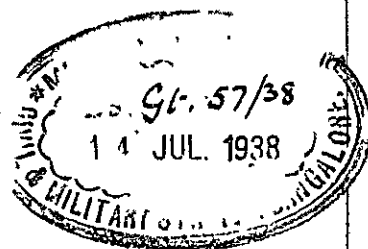
J.V.  
12.7.38.

*Rubyan*

13/7/38.

*2-4-38*

T.N.T.  
12-7-38



P.T.C. 0/0

u.o. No. F. 87 of 1936, dated the 13th July 1938  
R.O. II

21

This question had not hitherto come before me personally. I have now gone into it afresh and have come to the conclusion that the present scheme is too expensive and <sup>the</sup> Dry Fish Market with accommodation for wholesale dealers should be constructed at the site already acquired. The site will have to be slightly enlarged by acquiring a small adjoining plot of land at a cost of about Rs.250/- or so. The matter will be placed before the Municipal Commission in due course for sanction to acquire the additional land and to provide the necessary funds for

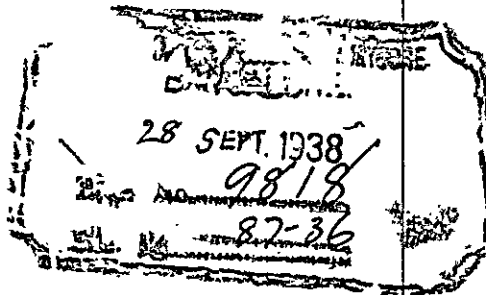
constructing

constructing the building.

S.N.A. (H)  
c.p.b.

22

Notification No. 96 dated the 28th September 1936  
may therefore be cancelled.



(Handwritten signature)  
28.9.38

To

The Secretary to the Hon'ble the Resident in Mysore,  
Bangalore.

U. O. No. GJ. 57/38 dated 24<sup>th</sup> September 1938.  
Rex Henry File

23

Draft notification cancelling the notification  
of the 28th September 1936 submitted for approval.

S.N.A. (H)  
c.p.b.

fr.  
30. ix. 38.  
30. ix. 38

Handwritten signature  
11/10/38

(From para 18)

Secy

S. K. (7): Issue

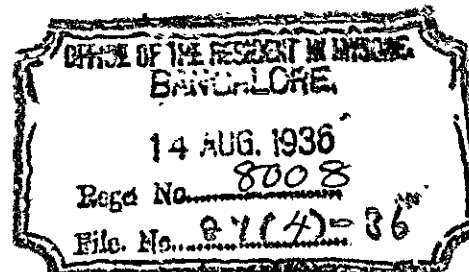
Record.  
Handwritten signature  
1.2.38

**CORRESPONDENCE.**

Ref. No. 2909-D-36 Enc.2

Office of the Collector and Dt. Magistrate,  
Civil and Military Station, Bangalore.

Dated 13th August 1936.



FROM

L.J. MacIver, Esquire, I.C.S.,

COLLECTOR ~~AND DISTRICT MAGISTRATE~~

CIVIL AND MILITARY STATION,

BANGALORE.

TO

The Secretary to the Hon'ble the Resident  
in Mysore, BANGALORE.

SIR,

Land Acquisition - houses at the junction of M.No.1 Street  
and Bamboo Bazaar Street for constructing a Dry Fish Market.

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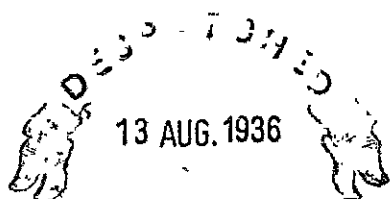
I forward herewith a draft notification under Section 4(1) of  
the Land Acquisition Act for favour of approval and publication in  
the Mysore Residency Orders. I also enclose a plan of the land for  
reference and favour of return.

The cost of acquisition will be borne by the Municipal Commissioner

I have the honour to be,  
Sir,  
Your most obedient servant,

*L. J. MacIver*  
COLLECTOR.

*DL*  
13.8.



*Mr. L.J.*  
*14-8-36*

*Not put up*  
*DL*

## THE HON'BLE THE RESIDENT IN MYSORE.

NOTIFICATION UNDER SECTION 4 (1) OF ACT I OF 1894.

No. 56

Bangalore, dated 28<sup>th</sup> September 1936.

It is hereby notified that the land described in the schedule hereunder is needed for a public purpose, namely, **for the construction of dry fish market.**

## SCHEDULE OF LAND.

| Where situated.                         | Name of owner.                                                                                                                                                                                                                                                                                                                                                                          | Description of land.                                                                                                                                                                                                                                | Area.                                                                                                                                  | Boundaries.           |                                               |                                                |                              | Remarks.                                    |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------------------|------------------------------------------------|------------------------------|---------------------------------------------|
|                                         |                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                     |                                                                                                                                        | North.                | East.                                         | South.                                         | West.                        |                                             |
| M.No.1 Street and Bamboo Bazaar Street. | (1) Bi Bi Ma, wife of Syed Meah Sahib, Cottonpet, Bangalore City.<br>(2) The Mohammedan Orphanage, Bangalore; (3) Syed Abdul Gaffar (4 & 5) Ameena Bi (owner) (Mr. Md. Saliah, 8, New Bamboo Bazaar (Claimant) and Mr. Modi Md. Ibrahim (Mortgagee for No.4);<br>(6 & 7) Meanjee Abdul Iatheef Owner; Md. Saliah & Ameena Bi-claimants for No.(6), (8) Abdulla Khan, 2-A Broadway Road. | Houses:- 1) 55 Bamboo Bazaar Street,<br>2) 56 -do-<br>3) 57 -do-<br>Shops:- 4) 45-46 M.No.1 Street<br>5) 47 M.No.1 Street<br>6) 48-49 -do-<br>7) 50-51 -do-<br><br>Vacant land - )<br>and dilapidated ) On M.No.1 Street 4th Dn. (8) +<br>building. | (1) 789 sq. ft.; (2) 1647 sq. ft.; (3) 725 sq. ft. (4) 267 sq. ft.<br>(5) 172 sq. ft. (6) 240 sq. ft. (7) 322 sq. ft. (8) 722½ sq. ft. | Bamboo Bazaar Street. | Part of premises No.57, Bamboo Bazaar Street. | Shops on Walla Road belonging to Municipality. | M.No.1 Street (4th Division) | The plan may be seen in Collector's Office. |

Collector. To be published in the Mysore Residency Orders. Secretary to the Resident.

1533-13-3-1934-500-RPB. Copy to the Collector, C & M Station, Bangalore, for information with reference to his letter No. 2909-D-36, dated the 13th August 1936.

24.9.36

T.N.T.  
24-9-36.

S.N.1 Cor. P.1  
7/87(4)-36

S. N. S.  
No. 2909-D-36.  
Enc.1.

OFFICE OF THE COLLECTOR,  
CIVIL AND MILITARY STATION, BANGALORE.

Dated 6th November 1936.

FROM

L.J.MacIver Esq., I.C.S.,  
COLLECTOR, CIVIL AND MILITARY STATION,  
BANGALORE.

TO

The Secretary to the Hon'ble the Resident  
in Mysore, Bangalore.

SIR,

Land Acquisition - Houses at the junction of M.No.1  
Street and Bamboo Bazaar Street for constructing  
a Dry Fish Market - Resident's Notification No.96  
dated 28-9-36.

S. N. 4 (H)  
C. P. 6.

In response to the notice issued under Rule 1 of  
Land Acquisition Rules, I have not received any objection  
petitions that would fall under rule 2 of Resident's  
Notification No.23 dated 16-2-1924.

S. N. 9

242-94.

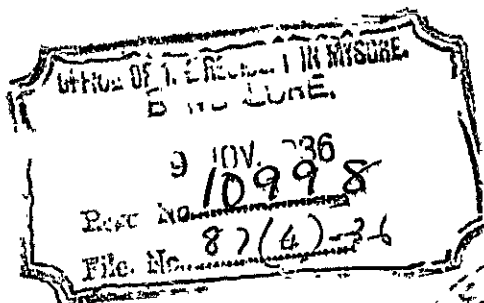
(G)

I accordingly forward a draft declaration under  
Sec.6 of Land Acquisition Act for favour of approval and  
publication in the Mysore Residency Orders.

The plan of the land was sent to you with my  
No.2909-D-36 dated 13-8-36.

S. N. 1 (H)  
C. P. 1

I have the honour to be,  
S i r,  
Your most obedient servant,



DESPATCHED  
7 NOV. 1936

*L. J. MacIver*  
Collector.

*Am*  
7/11

S. 11-7

110

Resident's Office  
M. 6 C. P. E. P. 826-35

DEPARTMENT.

File No.

BRANCH.

Serial No.

Draft

Letter  
Memorandum  
Telegram

3/18  
Class for telegrams

Issued  
6/10/38

Ordinary  
Express  
Urgent\*  
Priority  
Clear Line†

\*Only for  
Foreign  
Telegrams.

†Not for  
Foreign  
Telegrams.

No.

Dated

19

OFFICE OF THE HON'BLE THE RESIDENT  
IN MYSORE.

To

NOTIFICATION.

No. 107.

Dated 6/10/38

1st Reminder  
2nd Reminder  
3rd Reminder  
Heading :  
Case or Diary No.  
If post copy of telegram required  
Date of despatch of above  
List of enclosures

(Code word for telegrams.)

S.N. 4 (H)  
C.P. 6

The Hon'ble the Resident is  
pleased to cancel his notification  
No. 96, dated the 28th September  
1936, relating to the acquisition  
of land required for the construc-  
tion of dry fish market at the  
junction of M.No.1 Street and Bamboo  
Bazaar Street, Civil and Military  
Station, Bangalore.

(Sd) A. J. Courtney

for SECRETARY TO THE RESIDENT.

To be published in the Mysore  
Residency Orders.

Copy to the Collector, C & M  
Station, Bangalore, for in-  
formation.

2. The plan of the land forwarded  
with his letter No. 2909-D-36,  
dated the 13th August 1936, is  
returned.

U.S.  
9/10

S.N. 1 (H)  
C.P. 1

S. 5.

30. ix. 38  
20/11/38

ROUTINE.

H.

Please see paras 9 to 17 of notes and S.N.4 and 5 of F.87(4)-36.

For further consideration of the question, F.242 of 1894 (Slis. 4 to 11) containing instructions issued by Resident for cancellation of Notifications relating to land acquisition is necessary. Records may be asked kindly to put it up early.

Records

28/5/38

f.v.

20.5.38.

T.W.T

21-5-38

SR

The collection containing Slis. 4-11 of file 242 of 1894 <sup>x</sup> is not readily available. A further search is being made. The file will be put up when it becomes available.  
H  
3/6/38.

papers  
in File  
in regard to  
acquisition  
of land  
at the station  
at Muhammad  
station at  
which  
is  
at  
at  
at